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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**RICHARD COCADIZ**, individually and  
on behalf of all others similarly situated.

Plaintiff,

vs.

**NETFLIX, INC.;**

**WAL-MART STORES, INC.;**

**WALMART.COM USA LLC;**

**REED HASTINGS, JR.; and**

**JOHN E. FLEMING**

Defendants.

Case No. CV-09-0508 MEJ

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES  
SHOULD BE RELATED**

**This Document Relates to:**

*Andrea Resnick, et al. v. Walmart.com  
USA LLC et al.*

*Case No. 09-cv-00002-PJH*

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on February 4, 2009, the case titled *Richard Cocadiz v. Netflix, Inc., et. al.*, Case No. CV-09-0508 MEJ (the “*Cocadiz Action*”), was filed in the United States District Court for the Northern District of California. Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court of the Northern District of California, Plaintiff Richard Cocadiz submits this motion to consider whether the *Cocadiz Action* should be related to the action titled *Andrea Resnick, et. al. v. Walmart.com USA LLC., et. al.*, Case No. CV-09-0002 PJH (the “*Resnick Action*”), filed on January 2, 2009, the low-numbered action pending in this District. That action has been assigned to the Honorable Phyllis J. Hamilton. There are a number of other actions against the same defendants currently pending in the Northern District of California which have been related to the *Resnick Action*..

**I. Related Cases**

The *Cocadiz Action* should be related to the *Resnick Action*. The following cases listed below are also related to the *Resnick Action* currently pending before this Court:

- *Michael O’Connor v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0096 PJH;
- *Sarah Endzweig v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0111 PJH;
- *Christopher P. Schmitz v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0116 PJH;
- *Scott Lynch, et. al. v. Walmart.com USA LLC., et. al.*, Case No. CV-09-0138 PJH;
- *Jonathan Groce, et. al. v. Netflix, Inc., et. al.*, Case No. CV-09-0139 PJH;
- *Lisa Sivek v. Walmart.com USA LLC., et. al.*, Case No. CV-09-0156 PJH;
- *Armond Faris v. Netflix, Inc., et. al.*, Case No. CV-09-0180 PJH;
- *Suzanne Slobodin v. Netflix, Inc., et. al.*, Case No. 09-0225 PJH;
- *Katherine Anthony, et. al. v. Walmart.com USA LLC., et. al.*, Case No. CV-09-0236 PJH;
- *Melanie Polk-Stamps v. Netflix, Inc., et. al.*, Case No. CV-09-0244 PJH;

- 1       ●     *Richard Sheeler v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0274 PJH;
- 2       ●     *Cathleen Chapman v. Netflix, Inc., et. al.*, Case No. CV-09-0294 PJH;
- 3       ●     *Michael Orozco v. Netflix, Inc., et. al.*, Case No. CV-09-0297 PJH;
- 4       ●     *Linda Landels, et. al. v. Netflix, Inc., et. al.*, Case No. CV-09-0340 PJH;
- 5       ●     *Sarah Grime v. Netflix, Inc., et. al.*, Case No. CV-09-0349 PJH;
- 6       ●     *Douglas Meyer v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0361 PJH;
- 7       ●     *Laura Randall v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0368 PJH;
- 8       ●     *Frank Hirsch v. Netflix, Inc., et. al.*, Case No. CV-09-0375 PJH;
- 9       ●     *Melanie Miscioscia v. Netflix, Inc., et. al.*, Case No. CV-09-0377 PJH;
- 10      ●     *James Chatelain v. Netflix, Inc., et. al.*, Case No. CV-09-0391 PJH;
- 11      ●     *Argyre Patras, et. al. v. Netflix, Inc., et. al.*, Case No. CV-09-0378 MEJ;
- 12      ●     *Michael Weiner v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0398 BZ;
- 13      ●     *Amos Kober v. Walmart.com USA LLC., et. al.*, Case No. CV-09-0400 EDL;
- 14      ●     *Margarita Lacabe v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0402 JL;
- 15      ●     *Ranjan Roy v. Walmart.com USA LLC, et. al.*, Case No. CV-09-0434-JL;
- 16      ●     *Brandon Bruno v. Walmart.com USA LLC, et. al.*, Case No. 09-0445 JCS; and
- 17      ●     *Ashkun Zaker v. Walmart.com USA LLC, et. al.*, Case No. 09-0447 MEJ.

## 22    **II.     Relationship of the Actions**

23           Local Rule 3-12(b) states that “[w]henever a party knows or learns that an action,  
 24    filed in or removed to this district is (or the party believes that the action may be) related  
 25    to an action which is or was pending in this District as defined in Civil L.R. 3-12(a), the  
 26    party must promptly file in the earliest-filed case an Administrative Motion to Consider  
 27    Whether Cases Should be Related.” The earliest filed case in the Northern District of  
 28    California is the *Resnick* Action.

Local Rule 3-12(a) says that an action is related to another when: “(1) The actions concern substantially the same parties, property, transaction or event; (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” These actions involve substantially the same parties, transactions, events, and questions of law. In addition, these actions all allege the same violations of federal antitrust law against the same defendants. These actions allege that the defendants, in violation of the federal antitrust laws, conspired to allocate the market for online DVD rentals, to the detriment of consumers and to allow Defendant Netflix, Inc. to monopolize the online DVD rental market. These actions are alleged to have harmed consumers of online DVD rental services by permitting Defendants to charge inflated prices for online DVD rental services and to restrict competition and choice in the online DVD rental market.

Pursuant to Local Rule 3-12(a)(2), it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges. Given the similarities of the above-identified related cases, assignment of these cases to a single Judge will conserve judicial resources and promote efficient determination of the actions while avoiding potentially conflicting results. All of the cases pending in this District are at a preliminary stage and, thus, assignment to a single Judge will not prejudice any of the parties. Accordingly, Plaintiff Richard Cocadiz respectfully requests that the *Cocadiz* Action be deemed related to the *Resnick* Action, the first filed case in this District, which is presently assigned to the Honorable Phyllis J. Hamilton.

DATED: February 5, 2009

**COTCHETT, PITRE & McCARTHY**

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